

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

UNI-CON FLOORS, INC.,
Plaintiff,

v.

BRICKLAYERS & ALLIED CRAFTSMEN
UNION, LOCAL 3 – EASTERN
MASSACHUSETTS,
Defendant.

C. A. No. 05-10463 NG

COLONIAL SURETY CO.'S MOTION TO INTERVENE

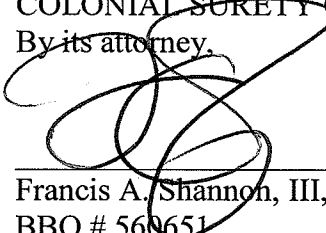
NOW COMES Colonial Surety Co. ("Colonial") and, pursuant to Fed.R.Civ.P. Rule 24, moves to intervene in the above-captioned matter for the limited purpose of protecting its subrogation rights to any monies due or to become due Uni-Con Floors, Inc. ("Uni-Con") from the alleged Trustees Bacon Construction Co., Inc. ("Bacon") and/or the Bridgewater-Raynham Regional School District ("School District"), as Colonial is the surety for Uni-Con, which, as a subcontractor to Bacon, has defaulted on the New Bridgewater-Raynham Regional High School Project ("School District Project"). For the following reasons, which are set forth in detail in Colonial's Memorandum Of Law In Support Of Colonial Surety Co.'s Motion To Intervene, submitted herewith, Colonial states:

1. Colonial is the surety for Uni-Con on the School District Project identified in the Post-Judgment Motion For Approval Of Trustee Process And Request For Injunctive Relief ("Trustee Process Motion") filed by the Defendant Bricklayers & Allied Craftsmen Union, Local 3 – Eastern Massachusetts ("Local 3");

2. Uni-Con has been declared to be in default of its subcontract with Bacon on the School District Project;
3. Colonial has, pursuant to its performance bond, commenced performance of Uni-Con's obligations under Uni-Con's subcontract with Bacon;
4. As a surety that has undertaken its principal's performance of a construction contract, Colonial's subrogation rights to any School District Project related funds due Uni-Con are superior to Local 3's claim to those same funds; and
5. Due to the limited nature of Colonial's interest in this matter, to wit, protecting its interest in funds yet to be distributed by the named Trustees, the grant of the within Motion will neither prejudice the original parties to this action, nor question matters already resolved therein.

WHEREFORE, Colonial Surety Co. requests to be permitted to intervene in the above matter for the limited purpose of protecting its subrogation rights to the funds Local 3 seeks to attach through the Trustee Process Motion; and/or such other relief this Court deems just and proper.

COLONIAL SURETY COMPANY
By its attorney.



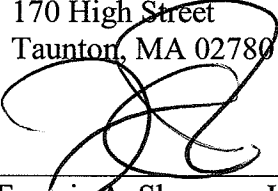
Francis A. Shannon, III, Esq.
BBO # 560651
Shannon Law Associates, Inc.
One Bowdoin Square
Boston, MA 02114
(617) 263-1313

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true copy of the above document upon the following parties by first class mail, postage prepaid, this 04 day of October, 2006:

Jonathan M. Conti, Esq.
Feinberg, Campbell & Zack, P.C.
177 Milk Street
Boston, MA 02109

David M. Fleury, Esq.
Carmichale & Zajac, P.C.
170 High Street
Taunton, MA 02786



Francis A. Shannon, III, Esq.

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